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*Ex Parte* Reexamination Filing Data - September 30, 2012

1. Total requests filed since start of <i>ex parte reexam</i> on 07/01/81.....	12569						
a. By patent owner	3872	31%					
b. by other member of the public	8532	68%					
c. By order of Commissioner	165	1%					
2. Number a. Chemical Operation	3373	27%					
b. Electrical Operation	4831	38%					
c. Mechanical Operation	4178	33%					
d. Design Patents	187	1%					
3. Annual <i>Ex Parte</i> Reexam Filings							
Fiscal Yr.	No	Fiscal Yr.	No	Fiscal Yr.	No	Fiscal Yr.	No
1981	78 (3 mos.)	1989	243	1997	376	2005	524
1982	187	1990	297	1998	350	2006	511
1983	186	1991	307	1999	385	2007	643
1984	189	1992	392	2000	318	2008	680
1985	230	1993	359	2001	296	2009	658
1986	232	1994	379	2002	272	2010	780
1987	240	1995	392	2003	392	2011	759
1988	268	1996	418	2004	441	2012	788
4. Number known to be in litigation.....	3994	32%					
5. Decisions on requests.....	11737						
a. No. granted.....	10755	92%					
(1) By examiner	10762						
(2) By Director (on petition)	122						
b. No. denied.....	982	8%					
(1) By examiner	961						
(2) Reexam vacated	35						
6. Total examiner denials (includes denials reversed by Director).....	1078						
a. Patent owner requester	496	46%					
b. Third party requester	582	54%					
7. Overall reexamination pendency (Filing date to certificate issue date)							
a. Average pendency	27.9	(mos.)					
b. Median pendency	20.5	(mos.)					

8. Reexam certificate claim analysis:	Owner Requester	3rd Party Requester	Comm'r Initiate	<u>Overall</u>
a. All claims confirmed	21%	22%	11%	21%
b. All claims canceled	8%	12%	24%	11%
c. Claims changed	71%	66%	65%	68%
9. Total ex parte reexamination certificates issued (1981 – present) .....	9328			
a. Certificates with all claims confirmed	2029      22%			
b. Certificates with all claims canceled	1063      11%			
c. Certificates with claims changes	6236      67%			
10. Reexam claim analysis – requester is patent owner or 3rd party or Commissioner initiated.				
a. Certificates – PATENT OWNER REQUESTER	3176			
a. All claims confirmed	669      21%			
b. All claims canceled	280      9%			
c. Claims changed	2227      70%			
b. Certificates – 3rd PARTY REQUESTER	6026			
a. All claims confirmed	1348      22%			
b. All claims canceled	745      12%			
c. Claims changed	3933      65%			
c. Certificates – COMMISSIONER INITIATED REEXAM	164			
a. All claims confirmed	18      11%			
b. All claims canceled	38      23%			
c. Claims changed	108      66%			



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*Ex Parte* Reexamination Filing Data - September 30, 2011

1.	Total requests filed since start of <i>ex parte</i> reexam on 07/01/81.....	11782 <sup>1</sup>			
a.	By patent owner	3801 33%			
b.	By other member of public	7815 66%			
c.	By order of Commissioner	166 1%			
2.	Number of filings by discipline				
a.	Chemical Operation	3211 27%			
b.	Electrical Operation	4405 37%			
c.	Mechanical Operation	3987 34%			
d.	Design Patents	179 2%			
3.	Annual <i>Ex Parte</i> Reexam Filings				
	Fiscal Yr. No.	Fiscal Yr. No.	Fiscal Yr. No.	Fiscal Yr. No.	
1981	78 (3 mos.)	1989	243	1997	376
1982	187	1990	297	1998	350
1983	186	1991	307	1999	385
1984	189	1992	392	2000	318
1985	230	1993	359	2001	296
1986	232	1994	379	2002	272
1987	240	1995	392	2003	392
1988	268	1996	418	2004	441
4.	Number known to be in litigation.....	.3894.....33%			
5.	Decisions on requests.....	11262			
a.	No. granted.....	10333.....92%			
(1)	By examiner	10213			
(2)	By Director (on petition)	120			
b.	No. denied .....	929.....8%			
(1)	By examiner	894			
(2)	Reexam vacated	35			

<sup>1</sup>Of the requests received in FY 2011, 22 requests have not yet been accorded a filing date, and preprocessing of 35 requests was terminated for failure to comply with the requirements of 37 CFR 1.510. See Clarification of Filing Date Requirements for *Ex Parte* and *Inter Partes* Reexamination Proceedings, Final Rule, 71 Fed. Reg. 44219 (August 4, 2006).

6.	Total examiner denials (includes denials reversed by Director).....	1014			
a.	Patent owner requester	476	47%		
b.	Third party requester	538	53%		
7.	Overall reexamination pendency (Filing date to certificate issue date)				
a.	Average pendency	25.6 (mos.)			
b.	Median pendency	19.9 (mos.)			
8.	Reexam certificate claim analysis:	<u>Owner Requester</u>	<u>3<sup>rd</sup> Party Requester</u>	<u>Comm'r Initiated</u>	<u>Overall</u>
a.	All claims confirmed	21%	24%	11%	23%
b.	All claims cancelled	9%	12%	23%	11%
c.	Claims changes	70%	64%	66%	66%
9.	Total <i>ex parte</i> reexamination certificates issued (1981 – present) .....	8578			
a.	Certificates with all claims confirmed	1943	23%		
b.	Certificates with all claims canceled	974	11%		
c.	Certificates with claims changes	5661	66%		
10.	Reexam claim analysis – requester is patent owner or 3 <sup>rd</sup> party or Commissioner initiated.				
a.	Certificates – PATENT OWNER REQUESTER .....	3040			
(1)	All claims confirmed	651	21%		
(2)	All claims canceled	264	9%		
(3)	Claim changes	2125	70%		
b.	Certificates – 3 <sup>rd</sup> PARTY REQUESTER .....	5380			
(1)	All claims confirmed	1274	24%		
(2)	All claims canceled	674	12%		
(3)	Claim changes	3432	64%		
c.	Certificates – COMMISSIONER INITIATED REEXAM .....	158			
(1)	All claims confirmed	18	11%		
(2)	All claims canceled	36	23%		
(3)	Claim changes	104	66%		



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*Ex Parte* Reexamination Filing Data - September 30, 2010

1.	Total requests filed since start of <i>ex parte</i> reexam on 07/01/81 .....	11023 <sup>1</sup>					
a.	By patent owner	3697 34%					
b.	By other member of public	7161 65%					
c.	By order of Commissioner	165 1%					
2.	Number of filings by discipline						
a.	Chemical Operation	3068 28%					
b.	Electrical Operation	4010 36%					
c.	Mechanical Operation	3771 34%					
d.	Design Patents	174 2%					
3.	Annual <i>Ex Parte</i> Reexam Filings						
	Fiscal Yr. No.	Fiscal Yr. No.	Fiscal Yr. No.	Fiscal Yr. No.			
1981	78 (3 mos.)	1989	243	1997	376	2005	524
1982	187	1990	297	1998	350	2006	511
1983	186	1991	307	1999	385	2007	643
1984	189	1992	392	2000	318	2008	680
1985	230	1993	359	2001	296	2009	658
1986	232	1994	379	2002	272	2010	780
1987	240	1995	392	2003	392		
1988	268	1996	418	2004	441		
4.	Number known to be in litigation.....	.3568.....32%					
5.	Decisions on requests.....	10495					
a.	No. granted.....	9648.....92%					
(1)	By examiner	9534					
(2)	By Director (on petition)	114					
b.	No. denied .....	847.....8%					
(1)	By examiner	812					
(2)	Reexam vacated	35					

<sup>1</sup>Of the requests received in FY 2010, 16 requests have not yet been accorded a filing date, and preprocessing of 80 requests was terminated for failure to comply with the requirements of 37 CFR 1.510. See Clarification of Filing Date Requirements for *Ex Parte* and *Inter Partes* Reexamination Proceedings, Final Rule, 71 Fed. Reg. 44219 (August 4, 2006).

6.	Total examiner denials (includes denials reversed by Director).....	926		
a.	Patent owner requester	451 49%		
b.	Third party requester	475 51%		
7.	Overall reexamination pendency (Filing date to certificate issue date)			
a.	Average pendency	25.5 (mos.)		
b.	Median pendency	20.0 (mos.)		
8.	Reexam certificate claim analysis:			
	<u>Owner Requester</u>	<u>3<sup>rd</sup> Party Requester</u>	<u>Comm'r Initiated</u>	<u>Overall</u>
a.	All claims confirmed	22%	25%	12% 23%
b.	All claims cancelled	8%	13%	23% 12%
c.	Claims changes	70%	62%	65%
9.	Total <i>ex parte</i> reexamination certificates issued (1981 – present) .....	7782		
a.	Certificates with all claims confirmed	1817 23%		
b.	Certificates with all claims canceled	893 12%		
c.	Certificates with claims changes	5072 65%		
10.	Reexam claim analysis – requester is patent owner or 3 <sup>rd</sup> party or Commissioner initiated.			
a.	Certificates – PATENT OWNER REQUESTER .....	2947		
(1)	All claims confirmed	638 22%		
(2)	All claims canceled	251 8%		
(3)	Claim changes	2058 70%		
b.	Certificates – 3 <sup>rd</sup> PARTY REQUESTER .....	4681		
(1)	All claims confirmed	1161 25%		
(2)	All claims canceled	607 13%		
(3)	Claim changes	2913 62%		
c.	Certificates – COMMISSIONER INITIATED REEXAM .....	154		
(1)	All claims confirmed	18 12%		
(2)	All claims canceled	35 23%		
(3)	Claim changes	101 65%		



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*Ex Parte* Reexamination Filing Data - September 30, 2009

1.	Total requests filed since start of <i>ex parte</i> reexam on 07/01/81.....	10243 <sup>1</sup>			
a.	By patent owner	3634 35%			
b.	By other member of public	6444 63%			
c.	By order of Commissioner	165 2%			
2.	Number of filings by discipline				
a.	Chemical Operation	2931 29%			
b.	Electrical Operation	3596 35%			
c.	Mechanical Operation	3554 34%			
d.	Design Patents	162 2%			
3.	Annual <i>Ex Parte</i> Reexam Filings				
	Fiscal Yr. No.	Fiscal Yr. No.	Fiscal Yr. No.	Fiscal Yr. No.	
1981	78 (3 mos.)	1989	243	1997	376
1982	187	1990	297	1998	350
1983	186	1991	307	1999	385
1984	189	1992	392	2000	318
1985	230	1993	359	2001	296
1986	232	1994	379	2002	272
1987	240	1995	392	2003	392
1988	268	1996	418	2004	441
4.	Number known to be in litigation.....	.3221.....31%			
5.	Decisions on requests.....	9833			
a.	No. granted.....	9041.....92%			
(1)	By examiner	8928			
(2)	By Director (on petition)	113			
b.	No. denied .....	792.....8%			
(1)	By examiner	757			
(2)	Reexam vacated	35			

<sup>1</sup>Of the requests received in FY 2009, 22 requests have not yet been accorded a filing date, and preprocessing of 41 requests was terminated for failure to comply with the requirements of 37 CFR 1.510. See Clarification of Filing Date Requirements for *Ex Parte* and *Inter Partes* Reexamination Proceedings, Final Rule, 71 Fed. Reg. 44219 (August 4, 2006).

6.	Total examiner denials (includes denials reversed by Director).....	870			
a.	Patent owner requester	445	51%		
b.	Third party requester	425	49%		
7.	Overall reexamination pendency (Filing date to certificate issue date)				
a.	Average pendency	25.2 (mos.)			
b.	Median pendency	19.7 (mos.)			
8.	Reexam certificate claim analysis:	<u>Owner Requester</u>	<u>3<sup>rd</sup> Party Requester</u>	<u>Comm'r Initiated</u>	<u>Overall</u>
a.	All claims confirmed	22%	26%	12%	25%
b.	All claims cancelled	8%	13%	23%	11%
c.	Claims changes	70%	61%	65%	64%
9.	Total <i>ex parte</i> reexamination certificates issued (1981 – present) .....	7089			
a.	Certificates with all claims confirmed	1725	25%		
b.	Certificates with all claims canceled	807	11%		
c.	Certificates with claims changes	4557	64%		
10.	Reexam claim analysis – requester is patent owner or 3 <sup>rd</sup> party or Commissioner initiated.				
a.	Certificates – PATENT OWNER REQUESTER .....	2827			
(1)	All claims confirmed	625	22%		
(2)	All claims canceled	233	8%		
(3)	Claim changes	1969	70%		
b.	Certificates – 3 <sup>rd</sup> PARTY REQUESTER .....	4111			
(1)	All claims confirmed	1082	26%		
(2)	All claims canceled	540	13%		
(3)	Claim changes	2489	61%		
c.	Certificates – COMMISSIONER INITIATED REEXAM .....	151			
(1)	All claims confirmed	18	12%		
(2)	All claims canceled	34	23%		
(3)	Claim changes	99	65%		



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*Ex Parte* Reexamination Filing Data - September 30, 2008

1.	Total requests filed since start of <i>ex partes</i> reexam on 07/01/81 .....	9585 <sup>1</sup>					
a.	By patent owner	3567 37%					
b.	By other member of public	5853 61%					
c.	By order of Commissioner	165 2%					
2.	Number of filings by discipline						
a.	Chemical Operation	2811 29%					
b.	Electrical Operation	3261 34%					
c.	Mechanical Operation	3357 35%					
d.	Design Patents	156 2%					
3.	Annual Ex Parte Reexam Filings						
	Fiscal Yr. No.	Fiscal Yr. No.	Fiscal Yr. No.	Fiscal Yr. No.			
1981	78 (3 mos.)	1989	243	1997	376	2005	524
1982	187	1990	297	1998	350	2006	511
1983	186	1991	307	1999	385	2007	643
1984	189	1992	392	2000	318	2008	680
1985	230	1993	359	2001	296		
1986	232	1994	379	2002	272		
1987	240	1995	392	2003	392		
1988	268	1996	418	2004	441		
4.	Number known to be in litigation.....	.2849.....30%					
5.	Decisions on requests.....	9219					
a.	No. granted.....	8467.....92%					
(1)	By examiner	8354					
(2)	By Director (on petition)	113					
b.	No. denied .....	752.....8%					
(1)	By examiner	717					
(2)	Reexam vacated	35					

<sup>1</sup>Of the requests received in FY 2008, 7 requests have not yet been accorded a filing date, and preprocessing of 15 requests was terminated for failure to comply with the requirements of 37 CFR 1.510. See Clarification of Filing Date Requirements for *Ex Parte* and *Inter Partes* Reexamination Proceedings, Final Rule, 71 Fed. Reg. 44219 (August 4, 2006).

6.	Total examiner denials (includes denials reserved by Director).....	830			
a.	Patent owner requester	441	53%		
b.	Third party requester	389	47%		
7.	Overall reexamination pendency (Filing date to certificate issue date)				
a.	Average pendency	24.5 (mos.)			
b.	Median pendency	19.0 (mos.)			
8.	Reexam certificate claim analysis:	<u>Owner Requester</u>	<u>3<sup>rd</sup> Party Requester</u>	<u>Comm'r Initiated</u>	<u>Overall</u>
a.	All claims confirmed	22%	28%	12%	25%
b.	All claims cancelled	8%	13%	21%	11%
c.	Claims changes	70%	59%	67%	64%
9.	Total ex parte reexamination certificates issued (1981 – present) .....	6457			
a.	Certificates with all claims confirmed	1624	25%		
b.	Certificates with all claims canceled	721	11%		
c.	Certificates with claims changes	4112	64%		
10.	Reexam claim analysis – requester is patent owner or 3 <sup>rd</sup> party; or Comm'r initiated.				
a.	Certificates – PATENT OWNER REQUESTER .....	2722			
(1)	All claims confirmed	611	22%		
(2)	All claims canceled	214	8%		
(3)	Claim changes	1897	70%		
b.	Certificates – 3 <sup>rd</sup> PARTY REQUESTER .....	3588			
(1)	All claims confirmed	995	28%		
(2)	All claims canceled	476	13%		
(3)	Claim changes	2117	59%		
c.	Certificates – COMM'R INITIATED REEXAM .....	147			
(1)	All claims confirmed	18	12%		
(2)	All claims canceled	31	21%		
(3)	Claim changes	98	67%		